

Appl. No. 09/833,107
Amdt. Dated 05/13/2004
Reply to Office Action of 04/13/2004

REMARKS

This is in response to the Office Action mailed April 13, 2004. In the Office Action, claims 1-98 were cited as being subject to a restriction requirement. Reexamination and reconsideration of this case is respectfully requested in view of the amendments made herein and the following remarks.

Claims 89, 91, 93, and 96 have been amended. Claims 1-98 remain at issue in the patent application. Of those remaining at issue, claims 1, 24, 34, 37, 40, 43, 50, 57, 64, 75, 89, 91, 93, and 96 are independent claims. Applicant believes that no new matter has been added by this response.

I) RESTRICTION REQUIREMENT

In paragraph 1 of the Office Action, a genus-species restriction requirement was made. Applicant respectfully traverses in part.

The Office Action found the following distinct species:
Species 1: Figures 17A-17B, 20B-20E, 21B-21H, 24I-24J, 25G-25I, and 33 showing an optical module having a vertical and a horizontal printed circuit board within the module.

Species 2: Figures 17C-17D, 18A-18B, 19A-19B, and 24I showing an optical module having a vertical and a slanted printed circuit board within the module.

Species 3: Figures 10A-10B, 11A-11B, 12A-12B, 15B, 16B, 24D, 24E, 24G, 24I, 25E-25F, 28, and 29 showing an optical module having a first slanted printed circuit board and a second slanted printed circuit board within the module.

Applicant hereby elects Species 1 to be examined.

However, the Office Action states that no claim is generic. Applicant respectfully disagrees. Claims 40-42 are generic.

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Claims 40-42 do not recite the orientation of the printed circuit boards to be vertical, horizontal, or slanted. Thus, Applicant respectfully submits that claims 40-42 read on all three species set out by the Office Action and are thus generic claims.

Applicant respectfully submits that claims 1-98 read on the three species as follows:

Species 1: Claims 1-23, 40-42, 43-49, 50-56, 57-63, 89-90, 91-92, 93-95, and 96-98.

Species 2: Claims 24-33, 34-36, 40-42, 64-74, and 75-88.

Species 3: Claims 37-39, and 40-42.

Applicant respectfully requests reconsideration of the genus-species restriction requirement with respect to claims 40-42. Applicant respectfully submits that claims 40-42 should be considered generic claims with respect to species 1-3 set forth by the Office Action..

II) CLAIM AMENDMENTS

Applicant has amended claims 89, 91, 93, and 96 to correct a punctuation mistake. A period is replaced by a semicolon in these claims to properly form a complete sentence.

Claims 89, 91, 93, and 96 have been amended prior to a substantive examination on the merits. Moreover, Applicant respectfully submits these amendments to these claims were not made for reasons related to patentability.

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III) SPECIFICATION AMENDMENT

Applicant has amended the Cross Reference to Related Applications section, on page 1, to update the status of the related applications mentioned thereunder.

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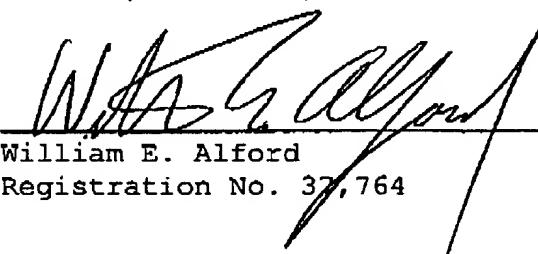
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CONCLUSION

A first examination as to the merits of the pending claims is respectfully requested. Allowance of the claims at an early date is solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 to expedite the prosecution of this case should there be any unresolved matters remaining. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted
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Dated: May 13, 2004

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Patent and Trademark Office under 37 CFR 51.8 on: May 13, 2004 to Examiner Agustin Bello at (703) 872-9306.

Susan McFarlane

5/13/04

Date

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